

EXHIBIT A

FILED UNDER SEAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

No. 3:17-cv-00939-WHA

UBER TECHNOLOGIES, INC.;

OTTOMOTTO LLC; OTTO TRUCKING,

INC.,

Defendants.

_____/

WAYMO & UBER CONFIDENTIAL ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF GREGORY KINTZ

SAN FRANCISCO, CALIFORNIA

WEDNESDAY, APRIL 26, 2017

BY: ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR ~

CSR LICENSE NO. 9830

JOB NO. 2592507

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1 Were you able to determine that the GBr3 11:39

2 boards had [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED] 11:39

5 A Yes. 11:39

6 Q Without even relying to [REDACTED] [REDACTED]

7 [REDACTED] depicted on page 5? 11:39

8 A Yes. 11:39

9 Q Okay. So, why did you need to refer to the 11:39

10 [REDACTED]? 11:39

11 A They give [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED] 11:39

15 Q So, you didn't measure -- so what -- let me 11:40

16 just make sure I understand. 11:40

17 You said you did not detail [REDACTED] [REDACTED]

18 [REDACTED] 11:40

19 How would you have [REDACTED] [REDACTED]

20 [REDACTED] 11:40

21 A The way to do that is by taking the 11:40

22 [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED] 11:40

11:41

2 Q Not the [REDACTED] [REDACTED]

11:42

4 A The diode is [REDACTED] 11:42

5 Q So that would be [REDACTED]? 11:42

6 A Correct. 11:42

7 Q And underneath that, [REDACTED] [REDACTED]

11:42

9 A Uh-huh. 11:42

10 Q What does that represent? 11:42

11 A [REDACTED]. 11:42

12 Q Okay. Now, would you look at [REDACTED] [REDACTED]

11:42

14 A No. 11:42

15 Q No? 11:42

16 Why not? 11:42

17 A Well, if you -- the most accurate way is to 11:42

18 do the previous calculation that I discussed, which is 11:42

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

11:42

22 Q Okay. But I -- I understood that it would 11:43

23 also be helpful to look at [REDACTED] as well; 11:43

24 right? 11:43

25 A Yes. 11:43

1 paragraph 33 of your original declaration?

12:07

2 A Again, I was the -- used the [REDACTED]
3 information that was available to me at the time to
4 determine [REDACTED]

12:07

12:07

5 [REDACTED]

12:07

6 Q Okay. Since we don't have that document in
7 front of us, maybe we can just walk through it.

12:07

12:07

8 So the -- it looks like you're comparing

12:07

9 [REDACTED] in the

12:07

10 Fuji board in paragraph 33; is that correct?

12:08

11 MR. JAFFE: I'm going to -- excuse me. I'm
12 going to object to you asking these questions without
13 putting the document in front of him.

12:07

12:08

12:08

14 MR. KIM: Q. Well, let me just ask you: Can
15 you explain generally how you got the [REDACTED]
16 referenced in paragraph 33?

12:08

12:08

12:08

17 A Yes.

12:08

18 Q Okay. How did you do that?

12:08

19 A The [REDACTED] information is a text
20 human readable file that is [REDACTED]

12:08

21 [REDACTED]

12:08

22 I then imported that text file into a program
23 called Microsoft Excel, which allowed me to do
24 numerical calculations on the data contained in that
25 text file.

12:08

12:08

12:08

12:08

1 And in that Excel file, I computed [REDACTED] [REDACTED]
[REDACTED], as 12:08
3 previously discussed. 12:09
4 Q Okay. [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] 12:09
11 Q Okay. And I -- I just want to clarify. 12:09
12 So, earlier we were looking at [REDACTED] [REDACTED]
[REDACTED] for the GBr3. 12:09
14 Do you recall that? 12:09
15 A Yes. 12:09
16 Q By [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]; is that correct? 12:09
19 A No. I was computing the -- [REDACTED]. 12:09
20 Q Using [REDACTED]? 12:09
21 A Yes. 12:10
22 Q And then there is this number [REDACTED] [REDACTED]
[REDACTED]. 12:10
24 Do you see that in paragraph 33? 12:10
25 A Yes. 12:10

1 But let me ask you my next question, which 12:13

2 is: You also looked at the [REDACTED] [REDACTED]

3 [REDACTED]? 12:13

4 A Correct. 12:13

5 Q And that was part of your determination as to 12:13

6 whether or not there was [REDACTED] [REDACTED]

7 [REDACTED]; correct? 12:13

8 MR. JAFFE: Objection; form. 12:13

9 THE WITNESS: There is -- as demonstrated by 12:13

10 the information in the [REDACTED] file, that there 12:13

11 is [REDACTED] [REDACTED]

12 [REDACTED]. 12:14

13 MR. KIM: Q. So you could look at the 12:14

14 [REDACTED] [REDACTED]

15 [REDACTED]? 12:14

16 A The [REDACTED] information by itself would not 12:14

17 yield enough data to actually produce that 12:14

18 information. 12:14

19 Q Why not? 12:14

20 A Because [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED] 12:14

23 Q And so you would need to look at [REDACTED] [REDACTED]

24 [REDACTED] [REDACTED]

25 [REDACTED]; correct? 12:14

1 A Correct. 12:14

2 Q And earlier you -- you said that you were 12:14

3 able to determine whether the GBr3 boards were -- [REDACTED] [REDACTED]

4 [REDACTED] just by looking 12:15

5 at them; correct? 12:15

6 MR. JAFFE: Objection; form. 12:15

7 THE WITNESS: Yes. 12:15

8 MR. KIM: Q. And you were able to do the 12:15

9 same based on your visual inspection of the Fuji 12:15

10 boards; correct? 12:15

11 A Yes. 12:15

12 Q So, are you telling me that just by visually 12:15

13 inspecting the Fuji boards, you were able to determine 12:15

14 what the -- [REDACTED] were? 12:15

15 MR. JAFFE: Objection; form. 12:15

16 THE WITNESS: No, I did not make that 12:15

17 determination. 12:15

18 MR. KIM: Q. Were you able to determine the 12:15

19 [REDACTED] just from visually inspecting the Fuji 12:15

20 boards? 12:15

21 A The -- not to a high degree of accuracy. But 12:15

22 [REDACTED] [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED] 12:16

25 Q But that's not responding to my question. 12:16

1 My question is: Were you able to determine 12:16

2 [REDACTED] for the Fuji boards that you visually 12:16

3 inspected? 12:16

4 MR. JAFFE: Objection; form. 12:16

5 THE WITNESS: Then I guess no, I was not able 12:16

6 to determine. 12:16

7 MR. KIM: Q. And were you able to determine 12:16

8 [REDACTED] of the 12:16

9 Fuji boards that you visually inspected? 12:16

10 A No, not to -- no. 12:16

11 Q I wanted to go back to your reply 12:17

12 declaration -- 12:17

13 MR. JAFFE: Just -- 12:17

14 MR. KIM: Q. -- in paragraph 4. 12:17

15 A (Witness complies.) 12:17

16 MR. JAFFE: -- just as a matter of 12:17

17 scheduling -- I -- I don't mean to interrupt. I'm 12:17

18 just curious when we're going to do lunch. 12:17

19 MR. KIM: I'd started my question. 12:17

20 MR. JAFFE: I'm just asking for lunch, so -- 12:17

21 sorry. Go ahead. It's not a matter of interrupting 12:17

22 you. I'm just curious. 12:17

23 MR. KIM: Q. So, Mr. Kintz, in paragraph 4, 12:17

24 you're referring to [REDACTED] [REDACTED]

[REDACTED] 12:17

A F T E R N O O N S E S S I O N

1:05 P.M.

THE VIDEOGRAPHER: We are back on the record 13:05

at 1:05 p.m. 13:05

MR. KIM: Q. Mr. Kintz, we were talking 13:05

about [REDACTED]. And I wanted to ask you what 13:05

you meant by [REDACTED] in your 13:05

declaration, for example, in paragraphs 4 and 5 which 13:06

we had been discussing. 13:06

A The definition of [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] 13:06

Q Okay. And so, if [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]? 13:06

A Yes, I would agree with that statement. 13:06

Q Okay. And is it also your testimony that if 13:06

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]? 13:07

MR. JAFFE: Excuse me. Objection; form. 13:07

THE WITNESS: In a more broad definition of 13:07

1 [REDACTED], yes, that would. 13:07

2 I believe, in the context of the Trade Secret 13:07

3 that we're discussing right now, no, because that 13:07

4 [REDACTED]. 13:07

5 MR. KIM: Q. So, just to make sure I -- I 13:07

6 understand your answer, if you had [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED]

8 [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED]? 13:08

14 A Yes. 13:08

15 MR. JAFFE: Objection; form. 13:08

16 Just give me a second to object, please. 13:08

17 THE WITNESS: Yeah. 13:08

18 MR. JAFFE: Thank you. 13:08

19 THE WITNESS: Yes, within the context of your 13:08

20 statement, yes. 13:08

21 MR. KIM: Okay. So I'd like to mark this as 13:08

22 1038, I believe. 13:08

23 (Document marked Exhibit 1038 13:09

24 for identification.) 13:09

25 MR. KIM: Q. Do you recognize Exhibit 1038? 13:09

1 THE WITNESS: No. With the data that you've 13:55
2 given me right here at this time, with the equipment 13:56
3 that's available to me, I cannot make a determination. 13:56

4 MR. KIM: Q. And what would you need to make 13:56
5 that determination? 13:56

6 A I would need to have information that gave me 13:56

7 [REDACTED] 13:56
8 [REDACTED] 13:56
9 [REDACTED] 13:56
10 [REDACTED] 13:56
11 [REDACTED] 13:56
12 [REDACTED] 13:57

13 Q And the same would be true for Exhibit 1043 13:57
14 that you were just looking at before that? 13:57

15 A No. 1043 actually has component information 13:57
16 on it. 13:57

17 Q Okay. And what would you need to determine 13:57
18 whether or not the diodes have [REDACTED] 13:57
19 [REDACTED] for the board depicted in Exhibit 1043? 13:57

20 A Ideally, I would need a way of expanding the 13:57
21 image and [REDACTED] 13:57
22 [REDACTED] 13:57
23 [REDACTED], and from that information, computing the 13:58
24 data. 13:58

25 I frequently do that type of analysis in 13:58

1 graphics programs. I in particular use a program 13:58
2 called CorelDRAW that allows me to do this type of 13:58
3 detailed point-by-point analysis. 13:58

4 Q And that would be for the purpose of 13:58
5 [REDACTED]? 13:58

6 A That's correct. 13:58

7 Q And you didn't do that for the board depicted 13:58
8 in Exhibit 1043; correct? 13:58

9 A That's correct. 13:58

10 Q Okay. 13:58

11 (Document marked Exhibit 1045 13:58

12 for identification.) 13:59

13 MR. KIM: I have the same question for 13:59

14 Exhibit No. 1045, which bears Bates No. Uber00008610. 13:59

15 Q Does this exhibit depict [REDACTED] [REDACTED]
16 [REDACTED]? 13:59

17 A This document is an assembly document. So 13:59

18 [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED] [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED] 13:59

22 Q So sitting here today, you can't tell me 13:59

23 whether or not the board depicted in Exhibit 1043 has 13:59

24 continuing varying -- 13:59

25 MR. JAFFE: 1045, I'm assuming you're asking 13:59

1 declaration, paragraph 40. And actually, let's move 15:03
2 ahead to paragraph 43. 15:03

3 A (Witness complies.) 15:03

4 Q Do you see in the first sentence where you 15:04
5 say: 15:04

6 "Moreover, both Liu and Schultz dissertation 15:04
7 teach away from [REDACTED]. " 15:04

8 A Yes. 15:04

9 Q What is a [REDACTED]? 15:04

10 A Depending on the application of the laser 15:04
11 diode, either single emitter device or laser diode 15:04
12 bar, [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 15:04

16 Q For the GBr3, what would be [REDACTED] [REDACTED]
[REDACTED]? 15:04

18 MR. JAFFE: Objection; form. 15:04

19 THE WITNESS: Without having gone through 15:05
20 computations of the -- [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] 15:05

24 However, in the deposi- -- in the 15:05
25 declarations of the Google engineer, Pierre Droz, they 15:05

1 Q What about [REDACTED]? 15:07

2 A Again, you're asking me to do calculations 15:07

3 that I don't have information available to me in terms 15:07

4 of the detailed design properties of the system. 15:07

5 Q You know, earlier we were looking at the 15:07

6 Trade Secret No. 7, and you confirmed there was no 15:07

7 requirement of [REDACTED]. 15:07

8 Do you recall that? 15:07

9 A Yes. 15:08

10 Q Where does it say in Trade Secret 7 that the 15:08

11 [REDACTED]? 15:08

12 A The significance in the Trade Secret is the 15:08

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] 15:08

17 Q But where does it [REDACTED] [REDACTED]

[REDACTED] [REDACTED]? 15:09

19 A Trade Secret No. 7 doesn't have [REDACTED] [REDACTED]

[REDACTED] [REDACTED]. 15:09

21 (Document marked Exhibit 1048 15:09

22 for identification.) 15:09

23 MR. KIM: Okay. I'd like to hand you 15:09

24 deposition Exhibit No. 140 -- 1048. 15:09

25 MR. JAFFE: Can I get a copy, please? 15:09

1 A Yes. 15:12

2 Q And above that label, [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED] 15:13

5 Do you see that? 15:13

6 A Yes. 15:13

7 Q Okay. This depicts [REDACTED] [REDACTED]

8 [REDACTED]; correct? 15:13

9 A Again, [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED] 15:13

15 Q That's not my question. 15:13

16 My question is: That figure depicts [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED]; correct? 15:13

19 MR. JAFFE: Objection; form. 15:13

20 THE WITNESS: As you see in this figure, 15:13

21 there is [REDACTED]. 15:13

22 But the greater body of knowledge of the 15:13

23 packaging of even the specific type of high-powered 15:13

24 laser diode bars as referenced in the Liu textbook 15:14

25 indicates that the ideal configuration for these 15:14